



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,688	01/16/2002	Frederic M. Newman	035	2748

7590

07/08/2003

ROBERT J. HARTER  
4233 CLIFFSIDE DRIVE  
LA CROSSE, WI 54601

EXAMINER

JENKINS, JERMAINE L

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

10/046,688

Applicant(s)

NEWMAN, FREDERIC M.

Examiner

Jermaine Jenkins

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman (6,212,763) in view of Coyle Sr. (4,552,041).

In regards to claims 1, 4, 5, 8, 9, 14, 15, 17, 18 Newman teaches torque apparatus having sensors (52, 56) coupled to tongs (28) and provide an input signal indicative of the tightening action of the tongs (28) (Column 5, lines 6-10 & 40-42). However, Newman does not teach an electrical circuit electrically coupled to the input for receiving the input signal wherein the electrical circuit includes a learning mode in which a target tightness value is determined based on the input signal, and wherein the electrical circuit includes a monitoring mode in which the input signal is compared to the target tightness value.

Coyle Sr. teaches a power tong apparatus having a sensor gage (168) that is coupled to the tongs (110) providing an input signal indicating the torque being applied, and the monitoring and learning modes are read as the calibration of the torque and the transducer based on the torque applied by the power tongs (Column 3, lines 63-68 & Column 5, lines 42-57). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a calibration system as taught by Coyle Sr. in the torque apparatus of Newman for

Art Unit: 2855

the purpose of providing the industry with a power tongs control unit capable of reliably limiting applied tongs torque at a predetermined level.

With respect to claims 2 & 12, Coyer Sr. teaches the sensor gage (168) being in fluid communication with the tongs (110) (Column 3, lines 59-63, See Figure 2).

With respect to claims 3, 6, 13 & 16, Newman teaches the transducers (52, 56) detecting the angular displacement of the tongs (28) (Column 5, lines 40-42).

With respect to claim 7, Newman teaches the output signals (71, 73) are in response to signals (74, 76) provided by the transducers (52, 56) (Column 6, lines 1-3).

With respect to claims 10 & 19, Newman teaches the use of a predetermined time within a range of tightness (Column 7, line 66 - Column 8, line 4).

In regards to claims 11 & 20, Newman and Coyer Sr. in combination teach the claimed invention except for providing a second input signal in response to the tongs tightening a second joint and tightening a plurality of joints. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide any additional amount of inputs and joints to increase the accuracy of the torque measurements.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermaine Jenkins whose telephone number is 703-305-3839. The examiner can normally be reached on Monday-Friday 8am-430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 703-305-4816. The fax phone numbers for the

Application/Control Number: 10/046,688

Page 4

Art Unit: 2855

organization where this application or proceeding is assigned are 703-306-7382 for regular communications and 703-305-3839 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.

Jermaine Jenkins

A.U. 2855

JJ

June 27, 2003

  
EDWARD LEFKOWITZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800